

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b),
FM Table of Allotments,
FM Broadcast Stations.
(Corydon and Lanesville, Indiana)

)
)
) MB Docket No. 04-380
) RM-11069
)
)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 5, 2005

Released: January 10, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. Before the Audio Division for consideration is a *Notice of Proposed Rule Making*¹ issued at the request of Blue Chip Broadcasting Licenses II, Ltd., ("Petitioner"), licensee of Station WGZB-FM, Corydon, Indiana. Petitioner proposes to reallocate Channel 243A from Corydon, Indiana to Lanesville, Indiana as the community's first local service, and to modify the license for Station WGZB-FM accordingly. Petitioner filed comments reiterating its intention to file an application for construction permit to effectuate the change of community if the channel is reallocated. No other comments were filed.

2. Petitioner filed its proposal for reallocation in accordance with the provisions of Section 1.420(i) of the Commission's rules, which permits the modification of a station's license to specify a new community of license while not affording other interested parties the opportunity to file competing expressions of interest in the proposed allotment.² In considering a reallocation proposal, we compare the existing allotment to the proposed allotment to determine whether the reallocation will result in a preferential arrangement of allotments. This decision is based on the FM Allotment priorities.³

3. Lanesville is an incorporated community with a 2000 U.S. Census population of 614 persons. It has an elected town board and its own zip code and post office. Lanesville also has a town marshal and local volunteer fire department, schools, and several businesses. We note that a *Tuck*⁴ analysis is not triggered in this instance because Lanesville is not located within any urbanized area, and the proposed city grade contour of Station WGZB-FM at Lanesville will cover only 7.7% of the Louisville,

¹ *Corydon and Lanesville, Indiana*, 19 FCC Rcd 18734 (MB 2004).

² See *Modification of FM and TV Authorizations to Specify a New Community of License* ("Community of License"), 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

³ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1988).

⁴ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

Kentucky Urbanized Area.⁵

4. We find that the reallocation will serve the public interest because it will provide Lanesville with its first local service and will not deprive Corydon of its sole local service.⁶ Because the transmitter site for Station WGZB-FM will not be relocated to accommodate Petitioner's request to reallocate Channel 243A to Lanesville, no gain or loss area will be created. Therefore, in accordance with the provisions of 47 C.F.R. Section 1.420(i), we will modify the license of Station WGZB-FM to specify operation Channel 243A at Lanesville, Indiana.

5. Our engineering analysis shows that Channel 243A can be allotted to Lanesville, Indiana, in conformity with the technical requirements of the Commission's rules, utilizing Petitioner's current site at the coordinates of 38-12-52 North Latitude and 86-01-00 West Longitude. A site restriction of 3.68 kilometers (2.29 miles) southwest of the Lanesville reference coordinates must be utilized.

6. The Commission will send a copy of this *Report and Order* to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

7. Accordingly, pursuant to authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective February 25, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the communities listed below, to read as follows:

<u>Community</u>	<u>Channel</u>
Corydon, Indiana	299B1
Lanesville, Indiana	243A

8. Additionally, IT IS ORDERED That the Secretary of the Commission shall send a copy of such comments to Petitioner, RETURN RECEIPT REQUESTED as follows:

Blue Chip Broadcasting Licenses II, Ltd.
c/o Gregory L. Masters, Esq.
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006

9. IT IS FURTHER ORDERED That pursuant to 47 U.S.C. Section 316(a), the license of Blue Chip Broadcasting Licenses II, Ltd., for Station WGZB-FM, Channel 243A, Corydon, Indiana, IS MODIFIED to specify operation on Channel 243A at Lanesville, Indiana, subject to the following conditions:

- a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

⁵ *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352, 10354 (MMB 1995).

⁶ Corydon would continue to receive local service from Stations WSFR(FM) and WOCC(AM).

- b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and
- c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

10. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Blue Chip Broadcasting Licenses II, Ltd. is required to submit a rule making fee in addition to the fee required for the application to effect the change in its community of license.

11. IT IS FURTHER ORDERED That this proceeding IS TERMINATED

12. For additional information concerning this proceeding, contact Helen McLean, Media Bureau (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau